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REMARKS

Applicant appreciates the consideration shown by the Office, as evidenced by the Final Office Action, mailed on July 18, 2003. In that Office Action, the Examiner rejected Claims 1, 2, 4-22, 24, 26-38, 40-56, 58, and 104-107. Claims 60-103 have been withdrawn from consideration. Claims 24 and 58 have been canceled, without prejudice. As such, Claims 1, 2, 4-22, 26-38, 40-56, and 60-107 remain in the case with none of the claims being allowed.

The July 18 Final Office Action has been carefully considered. After such consideration, Claims 1, 2, 26, 37, 38, 105, and 106 have been amended and Claims 24 and 38 have been canceled, without prejudice. Applicant respectfully requests reconsideration of the application by the Examiner in light of the above amendments and the following remarks offered in response to the July 18 Final Office Action.

Claim Objections

The Examiner has objected to Claims 24 and 58 as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner states that Claims 24 and 58 recite that the substrate comprises a polyethylene terephthalate, a polyethylene naphthalate, and a polyacrylate, which are not recited in independent Claims 1 and 37, respectively. Accordingly, Applicant has canceled Claims 24 and 58, without prejudice, and amended independent Claims 1 and 37 to each include the limitation that the substrate comprise a polyethylene terephthalate, a polyethylene naphthalate, a polyacrylate, to overcome the Examiner's objection. Applicant submits that Claim 26 has also been amended to recite this limitation as well.

Rejections under 35 U.S.C. §112

Claims 2, and 38 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that, in Claims 2 and 38, the location of the further included layer is confusing because it is on the barrier layer and opposite the polymeric substrate.

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Applicant submits Claims 2 and 38 have each been amended to recite the limitation that the at least one layer is disposed on the barrier layer opposite the polymeric substrate such that the barrier layer is interposed between the polymeric substrate and the at least one layer. Applicant submits that the amendments to Claims 2 and 38 clarify the relationship between the polymeric substrate, barrier layer, and the further included layer, and that the rejection of these claims under 35 U.S.C. §112, second paragraph, is successfully overcome.

Claims 105 and 106 have also been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states in Claims 105 and 106, it is unclear if the polymer includes the compounds of epoxide, acrylate, acrylonitrile, xylene, and styrene.

Applicant submits that Claims 105 and 106 have each been amended to overcome the rejection by amending the claims to recite "...a polymer; an epoxide; an acrylate; an acrylonitrile; a xylene; a styrene;..." before "an organic polymer" to thus make it clear that the abrasion resistant layer – rather than the organic polymer – may comprise at least one of an epoxide, an acrylate, an acrylonitrile, a xylene, and a styrene. Applicant therefore submits that, by so amending Claims 105 and 106, the rejection of these claims under 35 U.S.C. §112, second paragraph, is successfully overcome.

Rejections under 35 U.S.C. §103(a)

Claims 1-2, 4-22, 24, 26-38, 40-56, 58, and 104-107 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. (U.S. Patent 6,198,217) in view of Ikai et al. (U.S. Patent 6,015,951). The Examiner states that Suzuki et al. disclose an EL unit covered with "a protective *double* layer of an organic barrier layer and an inorganic barrier layer (emphasis added)."

Applicant submits that, in order to establish a *prima facie* case of obviousness, the references must teach or suggest all of the claimed limitations of the present invention. Accordingly, Applicant submits that the combination of references cited by the Examiner fails to teach or suggest the limitation of a *single* barrier layer disposed on at least one surface of the polymeric substrate, wherein the barrier layer comprises an *inorganic material*, as recited in independent Claims 1, 26, and 37. As noted by the Examiner, Suzuki et al. instead teach a

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double layer of an organic barrier layer and an inorganic barrier layer. The protective layer P of Suzuki et al. has an organic barrier layer 20 and an inorganic barrier layer 22, where organic layer 20 – not inorganic layer 22 – is disposed on the substrate 24. See Figures 1 and 2 and column 2, lines 59-62, of the reference. Applicant further submits that Ikai et al. as well do not teach of a *single* barrier layer disposed on at least one surface of the polymeric substrate, wherein the barrier layer comprises an inorganic material.

Applicant therefore submits that, because the combination of references cited by the Examiner neither teaches nor suggests all of the limitations of independent Claims 1, 26, and 37, the rejection of these claims and the claims dependent thereon under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. in view of Ikai et al. is successfully overcome.

Claims 6 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. and Ikai et al. and further in view of Kohara et al. (U.S. Patent 6,212,057).

Applicant submits that the combination of references cited by the Examiner neither teaches nor suggests all of the limitations of Claims 6 and 42. Namely the references do not teach or suggest the limitation of a *single* barrier layer disposed on at least one surface of the polymeric substrate, wherein the barrier layer comprises an *inorganic material*. As previously presented, neither Suzuki et al. nor Ikai et al. teach nor suggest this limitation. Applicant further submits that Kohara et al. as well provide no teaching or suggestion of this limitation.

Applicant therefore submits that, because the combination of references cited by the Examiner neither teaches nor suggests all of the limitations of Claims 6 and 42, the rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. and Ikai et al. and in further view of Kohara et al. is successfully overcome.

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In light of the amendment and remarks presented herein, Applicant submits that the case is in condition for immediate allowance and respectfully requests such action. If, however, any issues remain unresolved, the Examiner is invited to telephone the Applicant's counsel at the number provided below.

Respectfully submitted,



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